

Remarks

Applicants have added new claims 59–63, and have not cancelled any claims. Therefore, Claims 37–63 are now pending in the application. Claims 37, 45, 52 and 59 are independent.

Interview Summary.

Applicants thank the Examiner for conducting a personal interview in this application on 24 May 2007. The following summarizes the substance of the interview, in accordance with the guidelines provided by MPEP 713.04.

- (A) No exhibits were shown, and no demonstration was conducted.
- (B) Claim 37 was discussed.
- (C) The teachings of U.S. Patent 6,954,802 ("Sutherland") were discussed.
- (D) The principal proposed amendments of a substantive nature are presented herein in amended Claim 37. Applicants have made similar amendments to independent Claims 45 and 52.
- (E) Applicants explained why the combination of features recited in Applicants' proposed new claim, presented herein as amended Claim 37, are novel and nonobvious in view of the cited references.
- (F) No other pertinent matters were discussed.
- (G) The Examiner agreed that the proposed amendments would distinguish Claim 37 from the art of record, including Sutherland.

Rejection of Claims 37–44 under 35 U.S.C. § 103(a).

Claims 37–44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,241,668 ("Herzog") in view of U.S. Patent 5,909,551 ("Tahara"), U.S. Patent 5,272,625 ("Nishihara"), U.S. Patent 6,260,021 ("Wong"), and U.S. Patent 6,954,802 ("Sutherland"). Claim 37 is independent and Claims 38–44 depend therefrom.

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As proposed during the personal interview conducted on 24 May 2007, Applicants have amended Claim 37 to specifically recite that the claimed system includes, among other things:

a viewing program for the standard medical imaging format that is recorded on the data storage medium, and that is configured to allow viewing of medical image data stored on the data storage medium on widely accessible computers not specifically configured with standard medical imaging software for viewing of medical images [emphasis added]

As discussed during the interview, these amendments are fully supported by the originally-filed application disclosure. Specifically, Applicants draw the Examiner's attention to Paragraph [0010] of the published application. Additionally, Paragraph [0008] of the published application provides further description of the Digital Imaging and Communications in Medicine ("DICOM") format, and Paragraph [0034] of the published application provides further description of the viewing program.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP 2143.03). Applicants respectfully submit that amended Claim 37 recites features that are not taught by any of the cited references. For example, Claim 37 recites a system that includes a viewing program "for the standard medical imaging format". The viewing program is "recorded on the data storage medium" and "configured to allow viewing of medical image data stored on the data storage medium on widely accessible computers not specifically configured with standard medical imaging software for viewing of medical images".

The Examiner relies upon Sutherland as disclosing these features. However, Sutherland simply discloses recording medical images in a format and a medium that are widely accepted. Sutherland discloses use of PC-based review stations that are "configured with specialized image viewing software that can read specific file formats" (4:9-13). Sutherland further discloses recording a patient study on a medium "that can be viewed by any DICOM-compliant viewing station ... which supports the appropriate modality objects" (7:13-16). Thus, the Sutherland disclosure is focused on the need for a DICOM-compliant viewing station, whereas the system recited in amended Claim 37 includes a viewing program that allows for viewing of medical image data "on widely accessible computers not specifically configured with standard medical imaging

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software for viewing of medical images". While the Sutherland system requires the use of DICOM-compliant viewing stations, the system recited in Claim 37 does not. This understanding of the Sutherland teachings is supported by Paragraph 8 of the Declaration of Ken Wright Under 37 C.F.R. § 1.132, which is being filed concurrently with this paper.

Thus, Sutherland cannot be relied upon to provide teaching of "a viewing program for the standard medical imaging format that is recorded on the data storage medium, and that is configured to allow viewing of medical image data stored on the data storage medium on widely accessible computers not specifically configured with standard medical imaging software for viewing of medical images". The Examiner has pointed to no disclosure in any of the other cited references (Nishihara, Wong, Herzog or Tahara) which could remedy these deficiencies.

Based on the foregoing, Applicants respectfully submit that amended Claim 37 is allowable over the cited references, and respectfully request that this rejection be withdrawn. Furthermore, because dependent Claims 38–44 depend from independent Claim 37, and further recite additional novel and nonobvious features, Applicants submit that dependent Claims 38–44 are allowable for at least the same reasons that independent Claim 37 is allowable. Thus, Applicants respectfully request that these dependent claim rejections be withdrawn as well.

Rejection of Claims 45, 46 and 51 under 35 U.S.C. § 103(a).

Claims 45, 46 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of Tahara and Sutherland. Claim 45 is independent and Claims 46 and 51 depend therefrom.

Applicants have amended Claim 45 to specifically recite

a viewing program that is configured to allow viewing of the selected and the related medical image data that is recorded onto the data storage medium on widely accessible computers not specifically configured with standard medical imaging software for viewing of medical images [emphasis added]

As discussed above with respect to Claim 37, these amendments are fully supported by the originally-filed application disclosure. Furthermore, as a result of these

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amendments, independent Claim 45 recites a combination of features that is not taught by any of the cited references, including Herzog, Tahara and Sutherland.

Based on the foregoing, Applicants respectfully submit that amended Claim 45 is allowable over the cited references, and respectfully request that this rejection be withdrawn. Furthermore, because dependent Claims 46 and 51 depend from independent Claim 45, and further recite additional novel and nonobvious features, Applicants submit that dependent Claims 46 and 51 are allowable for at least the same reasons that independent Claim 45 is allowable. Thus, Applicants respectfully request that these dependent claim rejections be withdrawn as well.

Rejection of Claim 47 under 35 U.S.C. § 103(a).

Claim 47 stands rejected as being unpatentable over Herzog in view of Tahara, Nishihara and Sutherland. Claim 47 depends from independent Claim 45. Nishihara does not provide the deficiencies of Herzog, Tahara and Sutherland, as set forth above with respect to independent Claims 37 and 45. Therefore, Applicants respectfully submit that Claim 47 is allowable for at least the same reasons explained above with respect to Claim 45, in addition to reciting further distinguishing features of particular utility.

Rejection of Claims 48–50 under 35 U.S.C. § 103(a).

Claims 48–50 stand rejected as being unpatentable over Herzog in view of Tahara, Wong and Sutherland. Claims 48–50 depend from independent Claim 45. Wong does not provide the deficiencies of Herzog, Tahara and Sutherland, as set forth above with respect to independent Claims 37 and 45. Therefore, Applicants respectfully submit that Claims 48–50 are allowable for at least the same reasons explained above with respect to Claim 45, in addition to reciting further distinguishing features of particular utility.

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Rejection of Claims 52 and 54–58 under 35 U.S.C. § 103(a).

Claims 52 and 54–58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of Tahara, Nishihara and Sutherland. Claim 52 is independent and Claims 54–58 depend therefrom.

Applicants have amended Claim 52 to specifically recite

recording a viewing program onto the data storage medium using the production station, the viewing program being configured to allow viewing of medical image data stored on the data storage medium on widely accessible computers not specifically configured with standard medical imaging software for viewing of medical images [emphasis added]

As discussed above with respect to Claim 37, these amendments are fully supported by the originally-filed application disclosure. Furthermore, as a result of these amendments, independent Claim 52 recites a combination of features that is not taught by any of the cited references, including Herzog, Tahara, Nishihara and Sutherland.

Based on the foregoing, Applicants respectfully submit that amended Claim 52 is allowable over the cited references, and respectfully request that this rejection be withdrawn. Furthermore, because dependent Claims 54–58 depend from independent Claim 52, and further recite additional novel and nonobvious features, Applicants submit that dependent Claims 54–58 are allowable for at least the same reasons that independent Claim 52 is allowable. Thus, Applicants respectfully request that these dependent claim rejections be withdrawn as well.

Rejection of Claim 53 under 35 U.S.C. § 103(a).

Claim 53 stands rejected as being unpatentable over Herzog in view of Tahara, Nishihara, Wong and Sutherland. Claim 53 depends from independent Claim 52. Wong does not provide the deficiencies of Herzog, Tahara, Nishihara and Sutherland, as set forth above with respect to independent Claims 37 and 52. Therefore, Applicants respectfully submit that Claim 53 is allowable for at least the same reasons explained above with respect to Claim 52, in addition to reciting further distinguishing features of particular utility.

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New Claims 59–63.

New Claims 59–63 have been added. Claim 59 is independent and Claims 60–63 depend therefrom. The new claims presented herein recite a combination of features that are distinguishable over the art currently of record in this Application. Specifically, the cited references describe systems that do not include all of the features of the claimed inventions, and/or that perform completely different functions as compared to the claimed inventions.

For example, independent Claim 59 recites a system that comprises a combination of features, including a production station that produces “a data storage medium that has recorded thereon in the standard medical imaging format the selected medical image data and the related medical image data”. The production station also records onto the data storage medium “a viewing program for the standard medical imaging format that is configured to allow viewing of the selected medical image data and the related medical image data on widely accessible computers with standard medical imaging software for viewing medical images”. As discussed during the personal interview of 24 May 2007, this feature is not taught by any of the cited references. Therefore, Applicants respectfully submit that new Claims 59–63 are allowable over the art of record.

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Conclusion.

Applicants respectfully submit that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. If some issue remains that the Examiner feels can be addressed by an Examiner's Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Respectfully submitted,

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Dated: 20 July 2007

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